

SK/5X
FILED

FEB 19 2013

Phil Lombardi, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. SONIA WALKER,)
Plaintiff)
v.)
2. SOUTHCREST, L.L.C.,)
Defendant.)

13 CV 103 TCK - TLW

Case No. _____
(District Court of Tulsa County
Case No. CJ-2012-06284)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, Southcrest L.L.C. (“Defendant”) hereby gives notice of the removal of the proceeding captioned “*Sonia Walker v. Southcrest, L.L.C.*” bearing Case No. CJ-2012-06284 on the docket of the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant respectfully shows the Court as follows:

1. On or about December 4, 2012, Plaintiff commenced an action in the District Court for Tulsa County against Defendant. The sole claim in Plaintiff’s Petition (“Petition”) seeks judgment against Defendant for alleged violations of Title VII of the Civil Rights Act of 1964. Service of process occurred on or about January 30, 2013. A copy of the Petition is included in Defendant’s Appendix to Removal, filed contemporaneously herewith.

2. This Court has federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff’s claim in the state court Petition purports to arise under the Constitution and the laws of the United States. Accordingly, this case may be removed pursuant to the provisions of 28 U.S.C. § 1441.

pd

3. This Notice of Removal is filed within the time permitted by 28 U.S.C. § 1446(b).
4. The Northern District of Oklahoma is the federal district that embraces the District Court of Tulsa County, Oklahoma. Therefore, removal to the United States District Court for the Northern District of Oklahoma is proper.

5. Pursuant to LCvR81.2, copies of all pleadings filed in the District Court of Tulsa County, Oklahoma, and a copy of the docket sheet of the case, shall be filed concurrently with Defendant's Notice of Removal. A copy of all pleadings and a copy of the docket sheet are included in Defendant's Appendix to Removal, filed contemporaneously herewith.

6. A Notice of Filing of Notice of Removal, a copy of which is included in Defendant's Appendix to Removal, will be filed in the District Court of Tulsa County, Oklahoma as soon as this Notice of Removal has been filed in this Court.

WHEREFORE, Defendant respectfully requests that the matter of *Sonia Walker v. Southcrest, L.L.C.*, Case No. CJ-2012-06284, pending in the District Court of Tulsa County, Oklahoma, be removed to this Court.

Respectfully Submitted,

STRECKER & ASSOCIATES, P.C.



David E. Strecker, OBA # 8687
Jessica C. Ridenour, OBA # 20758
Sean W. Kilian, OBA # 31117
2150 Mid-Continent Tower
401 South Boston Avenue
Tulsa, Oklahoma 74103-4009
Telephone: (918) 582-1716
Facsimile: (918) 582-1780

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of February, 2013, a true and correct copy of the foregoing instrument was served via U.S. Mail to the following counsel of record:

N. Grant Jackson, OBA # 31104
SMOLEN, SMOLEN & ROYTMAN, PLLC
701 South Cincinnati Avenue
Tulsa, Oklahoma 74119
Phone: (918) 585-2667
Fax: (918) 585-2669

ATTORNEY FOR PLAINTIFF



Sean W. Kilian

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

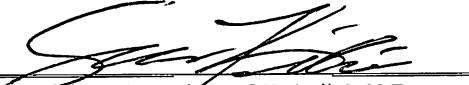
1. SONIA WALKER,)
Plaintiff)
v.)
2. SOUTHCREST, L.L.C.,)
Defendant.)
Case No. _____
(District Court of Tulsa County
Case No. CJ-2012-06284)

DEFENDANT'S APPENDIX TO REMOVAL

Exhibit A	Plaintiff's Original Petition
Exhibit B	Summons
Exhibit C	State Court Docket Sheet
Exhibit D	Notice of Filing Notice of Removal of Action to Federal Court

Respectfully Submitted,

STRECKER & ASSOCIATES, P.C.



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ATTORNEY FOR PLAINTIFF



Sean W. Kilian

IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

SONIA WALKER,

Plaintiff,

v.

SOUTHCREST, LLC doing business as
Southcrest Hospital, a domestic limited
liability company,

CJ-2012-06284

CARLOS J. CHAPPELLE

DISTRICT COURT
FILED

DEC - 4 2012

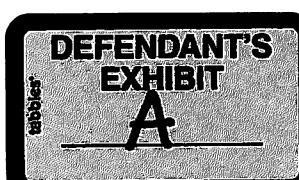
PETITION

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA, TULSA COUNTY

COMES NOW Plaintiff, Sonia Walker, through her attorney of record, N. Grant Jackson, and brings this action against Defendant, Southcrest Hospital for violations of her constitutionally protected rights arising out of her employment and treatment by said Defendant. In support of her claims, Plaintiff states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a resident of Tulsa County, State of Oklahoma.
2. Defendant, Southcrest, LLC, doing business as Southcrest Hospital, is a domestic limited liability company that regular conducts business within Tulsa County, State of Oklahoma.
3. Defendant regularly employs more than fifteen (15) people.
4. The incidents and occurrences, which form the basis of Plaintiff's lawsuit occurred in Tulsa County, State of Oklahoma.
5. This Court has jurisdiction and venue is proper in Tulsa County, State of Oklahoma.
6. Compensatory damages are sought pursuant to 42 U.S.C. § 2000e, et seq. and 42 U.S.C. § 1983.



7. Punitive damages are sought pursuant to 42 U.S.C. § 1981(A).
8. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e, *et seq.*
9. Plaintiff, a Spanish speaking individual of Peruvian descent and resident of the State of Oklahoma, filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission ("EEOC"). The filing of this Petition is within ninety (90) days of Plaintiff's receipt of the Notice of Right to Sue. As such, Plaintiff has complied fully with all prerequisites in this Court under Title VII.

FACTS COMMON TO ALL CLAIMS

10. Plaintiff, a Spanish speaking individual of Peruvian descent, began working for Defendant in January of 2009 in the housekeeping department of Defendant's hospital.
11. Plaintiff was qualified to perform her job and earned a satisfactory work record during her employment with Defendant.
12. Throughout Plaintiff's employment with Defendant, she was subjected to harassment and threats based upon her national origin as well as the fact that she used her native tongue, Spanish, to communicate with her coworkers.
13. On or about November 10, 2009, while at work, one of the nurses employed by Defendant called Plaintiff a "damn tortilla bitch" and began laughing at her.
14. Plaintiff immediately reported the nurse's conduct to her supervisor, Shawn Cagle.
15. On or about March 3, 2010, Plaintiff was working in the housekeeping department.
16. Plaintiff was in the break room speaking with two other co-workers, both of whom spoke Spanish.
17. The three began a conversation in Spanish.
18. Plaintiff's co-worker, Rillar Blocker, entered the break room and violently

slammed her fist on a table and stated that she was "sick and tired of hearing this fucking Spanish shit language."

19. Blocker then threatened Plaintiff, telling her that if Plaintiff was talking about her she would "kick your ass, you Spanish speaking bitch."

20. Plaintiff immediately notified her manager, Shawn Cagle, of the repeated harassment and threats.

21. As a result of the incident, Plaintiff was required to speak with Defendant's human resources department.

22. Plaintiff spoke with Human Resources representative, Rebecca Hurt, and explained the repeated harassment and threats she was receiving from Defendant's employees.

23. Ms. Hurt informed Plaintiff that she should refrain from speaking Spanish in front of non-Spanish speakers while at work.

24. Ms. Hurt further informed Plaintiff that if she did need to communicate with her co-workers in Spanish, she should have these conversations in a private area, such as the restroom or closet.

25. As a result of the continued harassment and threats and Defendant's failure to remedy the harassment and threats, Plaintiff was constructively discharged from her employment with Defendant.

FIRST CLAIM FOR RELIEF
FAILURE TO ENSURE A NON-HOSTILE WORK ENVIRONMENT

26. Plaintiff incorporates the preceding paragraphs as if realleged.

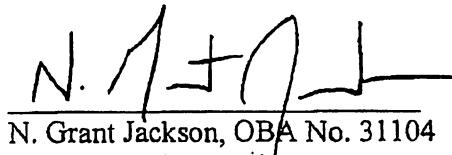
27. By continually subjecting Plaintiff to a hostile work environment and failing to

properly ensure a non-hostile work environment, Defendant has violated Title VII of the Civil Rights Act of 1964.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by Defendant's management and executives;
- d. Her attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

Respectfully submitted,
SMOLEN, SMOLEN & ROYTMAN, PLLC


N. Grant Jackson, OBA No. 31104
701 South Cincinnati Avenue
Tulsa, Oklahoma 74119
P: (918) 585-2667
F: (918) 585-2669
Attorney for Plaintiff

IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

SONIA WALKER,

Plaintiff,

Y.

SOUTHCREST, LLC doing business as
Southcrest Hospital, a domestic limited
liability company,

AHOMA
CJ-2012-06284

CARLOS J. CHAPPELLE

ORIGINAL SUMMONS

SOUTHCREST, LLC

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 4 day of 12, 2012.

(SEAL)

Deputy Court Clerk

Deputy Court Clerk

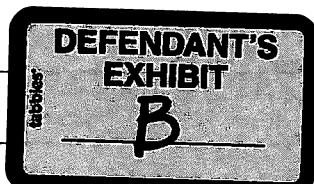
This summons and order was served on

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE



I certify that I received the foregoing Summons the _____ day of _____ 2012, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in _____ County, _____ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant	Address	Date of Service

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the _____ day of 2012, and that on _____, I served _____ by leaving a copy of said summons with a copy of the attached Petition at _____, which is his/her dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

NOT FOUND

Received this Summons this _____ day of _____ 2012. I certify that the following persons of the defendant within named not found in said County:

FEES

Fee for service \$ _____, Mileage \$ _____, Total \$ _____

Dated this _____ day of _____ 2012.

By:

Sheriff of _____ County,

AFFIDAVIT

I, _____, the undersigned, under oath, do say that I served this Summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Sheriff of _____ County,

Subscribed to and sworn to before me this _____ day of _____ 2012.

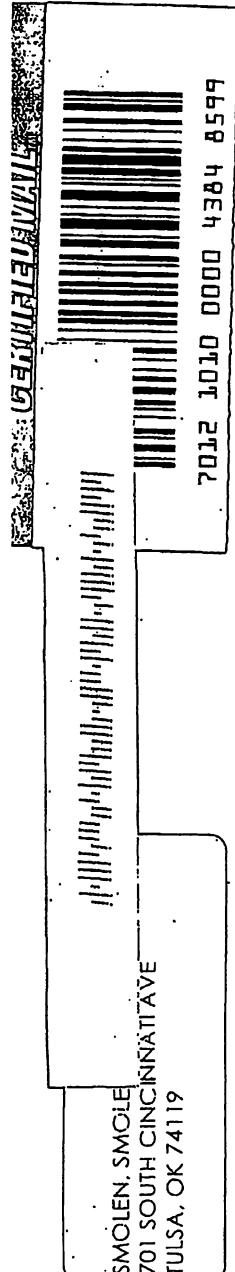
My Commission Expires: _____
Seal _____ Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____ 2012, and receipt thereof on the dates shown:

Defendant	Address Where Served	Date
Received	_____	_____

Signature of person mailing summons



Southcrest, LLC
c/s Corporation Service Co.
115 SW 87th St.
Oklahoma City, OK 73139



1-33-13

C O R P O R A T I O N S E R V I C E C O M P A N Y™

Notice of Service of Process

TWS / ALL
Transmittal Number: 10789321
Date Processed: 01/30/2013

Primary Contact: Karen H Sullivan
Community Health Systems, Inc.
4000 Meridian Boulevard
Franklin, TN 37068-9020

Copy of transmittal only provided to: Ben Fordham
Scott Deathridge
Lisa Smith
Michael Gardner
Justin Pitt

Entity:	SouthCrest, L.L.C. Entity ID Number 2072821
Entity Served:	Southcrest, LLC dba Southcrest Hospital
Title of Action:	Sonia Walker vs. Southcrest LLC dba Southcrest Hospital
Document(s) Type:	Summons/Complaint
Nature of Action:	Labor / Employment
Court/Agency:	Tulsa County District Court, Oklahoma
Case/Reference No:	CJ-2012-06284
Jurisdiction Served:	Oklahoma
Date Served on CSC:	01/30/2013
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	N. Grant Jackson 918-585-2667

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

2/15/13

OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)


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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

SONIA WALKER, Plaintiff, v. SOUTHCREST LLC, DBA SOUTHCREST HOSPITAL Defendant.	No. CJ-2012-6284 (Civil relief more than \$10,000: VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT) Filed: 12/04/2012 Judge: Chappelle, Carlos
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Parties

SOUTHCREST LLC , Defendant
 WALKER, SONIA , Plaintiff

Attorneys

Attorney
 Jackson, Norborn Grant (Bar # 31104)
 2427 E 57th St
 Tulsa, OK 74105

Represented Parties
 WALKER, SONIA

Events

Event	Party	Docket	Reporter
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Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

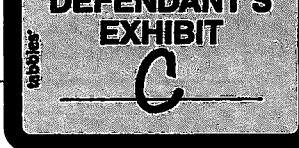
Issue # 1. Issue: VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT (OTHER)
 Filed by: WALKER, SONIA
 Filed Date: 12/04/2012
Party Name: Disposition Information:

 Pending.

Docket

Date	Code	Count	Party	Serial #	Entry Date		
12-04-2012	TEXT	1		83772066	Dec 4 2012 3:40:47:943PM	-	\$ 0.00

CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.



2/15/13

OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)

12-04-2012	OTHER	-	83772068	Dec 4 2012 3:42:21:283PM	Realized	\$ 0.00
VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT						
12-04-2012	DMFE	-	83772069	Dec 4 2012 3:40:48:013PM	Realized	\$ 2.00
DISPUTE MEDIATION FEE(\$ 2.00)						
12-04-2012	PFE1	-	83772070	Dec 4 2012 3:56:33:333PM	Realized	\$ 163.00
PETITION(\$ 163.00)						
<u>Document Available (#1019940082)</u>						
12-04-2012	PFE7	-	83772071	Dec 4 2012 3:40:48:013PM	Realized	\$ 6.00
LAW LIBRARY FEE(\$ 6.00)						
12-04-2012	OCISR	-	83772072	Dec 4 2012 3:40:48:013PM	Realized	\$ 25.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)						
12-04-2012	CCADMIN02	-	83772073	Dec 4 2012 3:40:48:013PM	Realized	\$ 0.20
COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)						
12-04-2012	OCJC	-	83772074	Dec 4 2012 3:40:48:013PM	Realized	\$ 2.00
OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)						
12-04-2012	OCASA	-	83772075	Dec 4 2012 3:40:48:013PM	Realized	\$ 5.00
OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)						
12-04-2012	CCADMIN04	-	83772076	Dec 4 2012 3:40:48:013PM	Realized	\$ 0.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)						
12-04-2012	LTF	-	83772077	Dec 4 2012 3:40:48:163PM	Realized	\$ 10.00
LENGTHY TRIAL FUND(\$ 10.00)						
12-04-2012	SMF	-	83772078	Dec 4 2012 3:40:48:203PM	Realized	\$ 5.00
SUMMONS FEE (CLERKS FEE)(\$ 5.00)						
12-04-2012	SMIMA	-	83772079	Dec 4 2012 3:40:48:243PM	Realized	\$ 0.00
SUMMONS ISSUED - MAILED BY ATTORNEY						
12-04-2012	TEXT	-	83772067	Dec 4 2012 3:40:47:963PM	-	\$ 0.00
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CHAPPELLE, CARLOS TO THIS CASE.						
12-04-2012	ACCOUNT	-	83772177	Dec 4 2012 3:42:53:483PM	-	\$ 0.00
RECEIPT # 2012-2488876 ON 12/04/2012.						
PAYOR:SMOLEN & SMOLEN PLLC TOTAL AMOUNT PAID: \$218.70.						
LINE ITEMS:						
CJ-2012-6284: \$168.00 ON AC01 CLERK FEES.						
CJ-2012-6284: \$6.00 ON AC23 LAW LIBRARY FEE.						
CJ-2012-6284: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.						

2/15/13

OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)

CJ-2012-6284: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.

CJ-2012-6284: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.

CJ-2012-6284: \$2.00 ON AC64 DISPUTE MEDIATION FEES.

CJ-2012-6284: \$25.00 ON AC79 OCIS REVOLVING FUND.

CJ-2012-6284: \$10.00 ON AC81 LENGTHY TRIAL FUND.

Report Generated by The Oklahoma Court Information System at February 15, 2013 15:47 PM

End of Transmission.

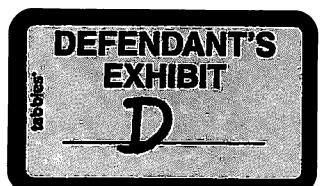
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STATE OF OKLAHOMA

SONIA WALKER,)
Plaintiff,)
v.) Case No. CJ-2012-06284
SOUTHCREST, L.L.C.,) HONORABLE CARLOS J. CHAPPELLE
Defendant.)

NOTICE OF FILING NOTICE OF REMOVAL TO FEDERAL COURT

TO: The Clerk of the District Court of Tulsa County:

PLEASE TAKE NOTICE THAT Defendant, Southcrest, L.L.C., has on the 19th day of February, 2013, filed a Notice of Removal of this action removing this matter from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In accordance with the provisions of 28 U.S.C. § 1446(d), a copy of the Notice of Removal is attached to this Notice as Exhibit "A" and by this reference incorporated herein. Defendant requests that this Court proceed no further in this matter unless and until it is remanded.



Dated this 19th day of February, 2013.

Respectfully Submitted,

STRECKER & ASSOCIATES, P.C.



David E. Strecker, OBA # 8687
Jessica C. Ridenour, OBA # 20758
Sean W. Kilian, OBA # 31117
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